

# Agenda

## Environmental Protection Commission

November 16, 1998

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

### Public Participation

10:30 A.M.

#### Appointments:

Ia. Water Pollution Control Association (Iowa NPDES Program) *(Item #14D)*

11:30 A.M.

Counsel for Austin DeCoster Referral (Item# 14c)

11:00 A.M.

Flannegan Conservation Service *(Item #14B)*

1:30 P.M.

2:00 p.m.

### Agenda topics

1. Approve Agenda
2. Approve Minutes of October 19, 1998
3. Director's Report Larry Wilson (Information)
4. Budget Request and Financial Status Report Stan Kuhn (Information)
5. Air Quality Contract Amendment Stan Kuhn (**Decision**)
6. Landfill Alternatives Financial Assistance Program Composting Initiative Contract Approval Roya Stanley (**Decision**)
7. Monthly Reports Allan Stokes (Information)
- ~~8.~~ Interagency Agreement - Linn County Air Quality Division Program Allan Stokes (**Decision**)
- ~~9.~~ Interagency Agreement - Polk County Air Quality Division Program Allan Stokes (**Decision**)
10. Contract Approval - Solid Waste Disposal Data System Development Allan Stokes (**Decision**)
11. Hospital/Medical/Infectious Waste Incinerator State Implementation Plan Allan Stokes (**Decision**)
12. Notice of Intended Action--Chapter 65, Animal Feeding Operation Rules Allan Stokes (**Decision**)

## EPC Agenda - Page 2

13.	Proposed Contested Case Decision--Dave and Kristi Castenson, Et Al.	Allan Stokes (Decision)
14.	Referrals to the Attorney General <ul style="list-style-type: none"><li>a) James LaFollette and Kurt Douglas (Marion Co.)</li><li>b) Flannegan Conservation Service (Palo Alto Co.)</li><li>c) Austin J. DeCoster (Nursery M-1 - Lucas Co.)</li><li>d) Public Water Supply Facility #1656750 (Lowden)</li><li>e) Pewe Mercantile, Inc. and Dion Pewe (Grand Mound)</li></ul>	Allan Stokes (Decision)
15.	Legislation for 1999	Don Paulin (Information)
16.	General Discussion	
16.	Address Items for Next Meeting	
Next Meeting Dates	December 21, 1998 January 19, 1999 (Tuesday) February 15, 1999	

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, November 16, 1998

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Theresa L Kehoe	IA Senate	DSM, IA
Charles G. Stevens	IWPCA	Knoxville, IA.
Maynard Jayne		
Aaron Healy Lehman	Iowa Farmers Union	
Norm Mohler	IDPA	Ankeny, Ia
Dave Wentland	GROW MARK	Bloomington, IL
Alex Thornton	DAVIS LAW FIRM	DM. IA.
Royce Hammitt	Des Moines WRF	Des Moines, IA
Kent Krause	Heartland Park	Albia, IA
Jack Clark	Iowa Utility Assoc.	Des Moines
Keri Jennis	ISU	Ames
Stephen E. Jones	ISU	Ames
Mark Leanne Bradley	Midco Oil	Dubuque
Kathie Obradovich	Lee Newspapers	DM
Nancy Godrich	Des Moines Water Works	D.M.

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, November 16, 1998

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Cherity Gabriella

DNR - AQB

Urbandale

JJ Zmudzinski

Cargill, Inc

Eddyville

GARY Charness

Horizon Tech.

Webster City

Rick Kelly

UHL

DKS

Cathy Woollums

MidAmerican Energy

Davenport

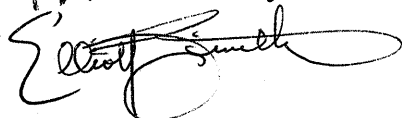
Tom Neumann

IWPCA

Ames

Andrew Fagne

IA League of Cities



ABI

DES MOINES

Bob Mann

IWPCA

Newton

Dennis Maple

ISU

Ames

Jeff Lorimer

ISU

Ames

DRJFJL

LFB

Des Moines

Chris Gault

Iowa Farm Bureau

WDSM

Judsey Fuson

Iowa Farm Bureau

Jefferson

Jane A. Dumble

Iowa Valley Assoc

Jefferson

ENVIRONMENTAL PROTECTION COMMISSION

Monday, November 16, 1998

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Perry Beeman

Dm Register

Dm

RECORD COPY EPC  
File Name ADM-1-1-1 Meeting  
Senders Initials Off November  
1998

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**NOVEMBER 16, 1998**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

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**MEETING MINUTES****CALL TO ORDER**

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 10:00 a.m. on Monday, November 16, 1998, in the Wallace State Office Building, Des Moines, Iowa.

**MEMBERS PRESENT**

William Ehm, Chair  
Randal Giannetto (arrived at 1:00 p.m.)  
Rozanne King  
Dean McWilliams  
Charlotte Mohr, Secretary  
Kathryn Murphy  
Gary Priebe  
Terrance Townsend, Vice-Chair  
Rita Venner

**ADOPTION OF AGENDA**

The following adjustments were made to the agenda:

- Add: Appointment - Public Water Supply (Lowden) (Item 14d) 11:30 a.m.
- Add: Appointment - Flannegan Conservation Service (Item 14b) 2:00 p.m.
- Delete: Appointment - Items 8 and 9 (Air Quality Interagency Agreements)

*Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by Kathryn Murphy. Motion carried unanimously.*

Director Wilson reported that Randal Giannetto had a 10:00 a.m. meeting, therefore he would be late to the EPC meeting.

**APPROVED AS AMENDED**

**APPROVAL OF MINUTES**

*Motion was made by Dean McWilliams to approve the meeting minutes of October 19, 1998, as presented. Seconded by Rozanne King. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**DIRECTOR'S REPORT**

Larry Wilson, Director, distributed a summary of IowAccess Network in regard to the implementation of 14 projects and explained same. He introduced Pete Hamlin and Cherity Gabrielle of the Air Quality Bureau and noted they will give a presentation on our IowAccess network involvement.

Pete Hamlin displayed four large notebooks which contained one Title V Operating Permit Application and noted it gives a good understanding of the size of an application. He related that this application and five others have been put on a CD disc which will ease staff review. He displayed this information on the computer and gave a presentation about the State Permitting and Air Reporting System (SPARS). He indicated that over a five year period this system could save the regulated public as much as 35 million dollars. He explained how the program works and noted that less than 10% of funding for this has come from IowAccess, adding most of the funding comes from Title V fees. Mr. Hamlin commended Cherity Gabrielle on the tremendous job she has done in setting up the system.

Cherity Gabrielle displayed examples of the application process and forms for the application and explained details of same. She noted that there are over 100 different tables in this program.

Mr. Hamlin stated that there is a related item on the Commission's agenda today which seeks approval of the second phase of a contract with the consulting firm. Ms. Gabrielle recognized a number of staff and representatives outside the department who served on the committee to design and implement this program. Mr. Hamlin noted that the system was designed so it could be used in the Water Quality Section and other sections of the department.

Discussion followed regarding confidentiality provisions in the program.

Chairman Ehm thanked the staff for their presentation.

Director Wilson distributed copies of an article in the Des Moines Register entitled "Are Waters Dirtier than Iowa Says," by Perry Beeman. He noted that the first sentence accuses the department of lying about how dirty Iowa's waterways are. He asked Darrell McAllister to respond to the article.

Darrell McAllister stated that the article seems to be saying that some people have concern that more streams should be listed on the 303d list than what there are, and that the department is presenting too rosy of a picture of the water quality in the state. He noted that the Clean Water Act, through the 303d list, requires states to put together a list of streams where water quality standards are being violated and the pollutant that is causing the violation to occur. He related that staff drafted a methodology in the Spring, shared it with EPA, received their comments and responded to their comments. Mr. McAllister expanded on details of the methodology and evaluation of the data used. He related that it took an extensive amount of time, with a limited number of staff, which is why the 303d list was not completed on time. He noted that people looked at a 305B water quality report from previous years which said there were a lot of waters

where the uses are impaired, and they compared it to the 303D list where there may be a water quality standard exceedance of a pollutant. He pointed out that the two lists are different as the 305B report gives a general status of water quality in the state and identifies what uses may not be obtained for various reasons. The purpose of the 303D is to identify those waters in the state where water quality standards are being violated and a pollutant that is causing the violation can be identified. He explained that after preparing the 303D list the next step is for the state to develop a Total Maximum Daily Load (TMDL), adding that is what Iowa and some other states are being sued over. He further explained the TMDL process. He related that Iowa does not have a lot of streams listed on 303D because there is very little water quality monitoring done, due to a lack of money. Mr. McAllister stated that the newspaper article saying that the department is lying was incorrect. He related that the methodology and data staff used is all scientifically defensible.

## **PUBLIC PARTICIPATION**

### **Aaron Heley Lehman (Ch. 65 rules)**

Aaron Heley Lehman, Iowa Farmers Union, stated that Blaine Nickels represented the Iowa Farmers Union on the AACO group and he is unable to be at this meeting. Mr. Heley Lehman related that when Chapter 65 rules are taken up today he will address any questions about the Farmers Union position.

## **BUDGET REQUEST AND FINANCIAL STATUS REPORT**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

After submission of the DNR's budget request as approved by both commissions in September, DNR budget staff worked with DOM staff to develop a summary for review with the Governor's office. This report will form the basis of DNR's presentation at the official public budget request presentation in the later part of November or early December.

In addition to the traditional budget submittal, all agencies are submitting the FY00/01 request in the **Budgeting for Results** (BFR) format. Briefly, each DNR program (generally each division or major initiative such as REAP or Waste Tires) is presented in a format which emphasizes the program purpose, how that purpose relates to the Governor's goals, and related result-oriented performance measures. The primary goal of the BFR process is to focus policy-makers' attention on the results to be achieved.

Also included is a draft statement titled "*Recommended State Policy Objectives for the Environment.*" Within the BFR concept, there has been a continuing process of developing State Policy Objectives. These objectives support the Governor's goals of Jobs, Income and Growth.

These draft objectives are being considered by the Council on Human Investment (CHI). This is the lay board charged with developing the State's BFR system. These objectives are derived from a scientific survey of Iowans regarding environmental issues.

In December, staff will begin the process of reporting monthly the actual program expenditures as related to the FY99 budget.

(Copies of the Budgeting for Results - FY-2000/01 and the Recommended State Policy Objectives for the Environment are on file in the department's Records Center.)

Mr. Kuhn reviewed in detail the budget request along with the policy objectives for the environment.

Rozanne King pointed out that on the "Governor/Department Budget Work Session" document several of the lines under the explanation column are incomplete.

Mr. Kuhn noted it is due to formatting and constant changes being made, adding it will be complete in the presentation to the Governor.

Brief discussion followed.

<b>INFORMATIONAL ONLY</b>
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## **AIR QUALITY CONTRACT AMENDMENT**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

A \$104,555 contract amendment with Windsor Technologies, Inc., is needed to complete the current phase of the Air Permitting electronic system, develop system enhancements, and meet the project completion expectations of the IowAccess project. \$145,000 is included in the current Air Quality budget to complete the system, including enhancements beyond the initial scope of work.

**Background:** Under IowAccess project 11, \$275,000 was allotted for Environmental Permitting. The initial \$275,000 contract was let under the authority of the IowAccess project manager. The EPC authorized an additional \$64,460 at the February 1998 meeting to fund a contract with Windsor Technologies to develop an interactive Air Title 5 and Construction Permit system, leveraging the previous investment by the DNR (using title 5 fees) in the Air Permitting data processing system.

Under the Federal grant for project 11, the DNR is expected to have a completed project by December 1998. All IowAccess projects will be presented to the Governor and the public

November 12th. A copy of a preliminary final report for Project 11 is attached for informational purposes.

**Proposed Amendment:** The proposed amendment involves three elements: (a) additional work not identified in the initial Windsor contract and plan; (b) completion of several planned system elements; and (c) enhancements to the initial work plan which will provide additional value to both the DNR and permittees.

**Additional Work:** The initial plan assumed the General Assembly would approve electronic signature legislation. This did not occur. It is necessary to add capability to the system for applicants to print out a paper copy for legal signature purposes. Developing this element is expected to cost \$19,856. A small amount, \$985 is related to storing documentation in the database in its native format.

**Planned Items Not Completed:** The task involving completing the programming for electronic display and processing of electronic forms. Windsor estimates \$14,870 is needed. It is necessary to complete OCR and scanning functionality for operating permits, estimated at \$18,899.

**System Enhancements:** The initial Windsor contract assumed an amendment would be negotiated to provide assistance with implementation; implementation work plan, supporting documentation attachment capability, permit history and status tool, implementation software, and related project management. These enhancements are estimated to cost \$49,995.

**Demonstration:** As part of this presentation, Cherity Gabrielle, project manager and Pete Hamlin, Air Quality Bureau Chief, will present a short demonstration of the system and comment on its benefits.

Approval of the EPC for this contract amendment is requested.

(A copy of the contract is on file in the department's Records Center)

Mr. Kuhn presented details of the contract and expressed thanks to Jack Clark - Iowa Utilities Association, Rick Kelly - UHL, and Ray Russicks - Maytag, for their participation in the committee work throughout the process.

*Motion was made by Rozanne King to approve the contract amendment with Windsor Technologies, Inc., as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

## **LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM COMPOSTING INITIATIVE CONTRACT APPROVAL**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

### **RECOMMENDED FOR FUNDING**

Horizon Technology, Incorporated is recommended to receive a \$500,000 zero interest loan and \$150,000 grant for total financial assistance of \$650,000. The Department is requesting approval to enter into a contract with Horizon Technology, Incorporated subject to satisfactory negotiation of budget, match and deliverables. A description of the project and its benefits follows.

### **PROJECT DESCRIPTION**

Horizon Technology, Incorporated is proposing to construct and operate a facility to compost organic feedstock from Iowa business and industry and yard waste. The facility will process 100,000 tons of organics annually. The facility will be located near Eddyville, Iowa and will receive organic by-products from throughout Iowa. The applicant will team with Iowa State University researchers to market compost as a nutrient and erosion control source for farming, landscaping, road construction and mine reclamation projects.

### **PRIMARY DELIVERABLES**

- Establish a large capacity source-separated organics composting facility in an area of the state that has an abundant amount of feedstocks;
- Evaluate the value of using compost in general farming practices on crops including yield increase and reduction in chemical treatments and weeds and insects;
- Evaluate the value of using compost in mine land reclamation;
- Divert compostable feedstock from the landfill for solid waste generators, and
- Provide data and impacts from the project to related conferences and publications.

### **APPLICATION REVIEW PROCESS**

During the August 1998 round of funding the Department received three (3) applications, requesting \$1,212,463 in financial assistance. One applicant, Horizons Technology Incorporated was selected by the review team to receive assistance. (The applications received by type are reflected on Table 1 of this brief.)

The applications were reviewed by a team consisting of:

- Two representatives from the Waste Management Assistance Division staff;
- One representative from the Environmental Protection Division, and,
- One representative from the Iowa Compost Advisory Committee. The Committee represents stakeholders from the public and private sector and advises the Department on compost

related programs and policies. It expressed its support for this project and funding at its August meeting.

Waste Management Assistance Division staff conducted a visit of the proposed site. In addition, the applicant's business plan was reviewed by an outside independent business planner and found to be acceptable.

### **ELIGIBILITY FOR ASSISTANCE**

All Landfill Alternatives Financial Assistance Program Composting Initiative Projects are eligible to receive up to \$150,000 in grant assistance. Any financial assistance provided beyond \$150,000 is eligible for a zero-interest loan.

Types of projects eligible for financial assistance include those which:

- 1) Compost materials other than or in addition to yard waste, animal waste, and/or biosolids (municipal sewage sludge);
- 2) Expand existing composting facilities and the types of materials accepted for composting;
- 3) Develop and expand markets for finished compost; and,
- 4) Involve the collection of organic materials and expansion of the types of materials accepted for composting.

### **APPLICATIONS RECEIVED – TABLE 1**

<b>Applications Received by Applicant Type</b>	<b># Received</b>	<b>Amount Requested</b>
Public	1	\$43,617
Private Not For Profit	1	\$285,190
Private For Profit	1	\$883,655
<b>Applications Recommended By Applicant Type</b>	<b># Recommended</b>	<b>Award Amount</b>
Private For Profit	1	\$650,000
<b>Award – Grant / Zero Interest Loan</b>	<b>Percent</b>	<b>Award Amount</b>
Grant	23%	\$150,000
Loan	77%	\$500,000

At this time, the Commission is requested to approve the Department entering into a contract with Horizon Technology, Incorporated subject to satisfactory negotiation of budget, match and deliverables.

Ms. Stanley presented details of the project outlining the following topics: composting; costs for the project; benefits of the project; project team; and financial review by an independent expert. She related there are over 60 composting projects in Iowa that work well.

Discussion followed regarding organics as food wastes and what products would be going into the compost.

*Motion was made by Dean McWilliams to approve the Landfill Alternatives Financial Assistance Program Contract. Seconded by Charlotte Mohr. Following brief discussion about the applicants the motion carried unanimously.*

**APPROVED AS PRESENTED**

#### **APPOINTMENT - TOM NEUMANN (WATER QUALITY PERMIT PROGRAM)**

Tom Neumann, Iowa Water Pollution Control Association (IWPCA), introduced Andrea Fogue, Iowa League of Cities. He stated that he is pleading for some modifications to the water quality based permitting program administered in Iowa for a number of years. He related that for a long time there has been concerns that some of the criteria and the resultant discharge limitations are more stringent than needed. Mr. Neumann said some of that is due to a lack of science or outdated science. He noted that in regard to ammonia, EPA prepared criteria in 1984 and it has not been updated until now. He mentioned that earlier this year IWPCA hired a consultant to prepare a view of the Iowa Water Quality Standards and the water permitting program, adding that a copy of the report was sent to the Commissioners. He related that 11 areas were identified where changes could be made without endangering the water environment in Iowa, adding that one of those areas is ammonia. He expanded on those areas.

#### **APPOINTMENT - ANDREA FOGUE (WATER QUALITY PERMIT PROGRAM)**

Andrea Fogue stated that the League of Cities is doing a survey to ascertain some of the specific impacts on cities. She related that after receiving 100 responses to date, it is a problem to cities throughout Iowa but the impact to smaller cities is the greatest. Ms. Fogue said that to update these facilities to meet the ammonia standards it will cost cities between \$500,000 and \$3,000,000. She cited, as an example, that it will cost the city of Cincinnati (pop. 363) between \$500,000 - \$1,000,000 to address the ammonia issue. To put this into perspective she related that their entire annual budget is \$177,000. She quoted the costs for several other cities with similar impacts and noted that the city of Creston has updated their facilities at a cost to residents of a 60% increase in sewage rates. Ms. Fogue related that these examples are typical of costs the cities are incurring to address the ammonia issue. She explained what Minnesota and Kansas are doing to address this issue.

Mr. Neumann distributed a packet outlining their presentation to the Commission. He related that IWPCA is asking for the following three things: 1) the creation of a technical advisory committee to assist the Commission and staff in addressing this problem; 2) a program review in 12 months; and 3) the Commission in the interim provide a two year grace period for new limitations or restrictions.



**MONTHLY REPORTS**

Darrell McAllister, Bureau Chief, Water Quality Bureau, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

**VARIANCE REPORT  
October 1998**

Item	Facility	Program	Subject	Decision	Date
1	ALCOA-Davenport	Air Quality	Permit Requirements	Approved	10/16/98
2	Cargill, Inc. - Eddyville	Air Quality	Permit Requirements	Approved	10/13/98
3	Corn Belt Power Cooperative-Spencer	Air Quality	Permit Requirements	Approved	10/07/98
4	Pella Corporation-Pella	Air Quality	Permit Requirements	Approved	10/16/98
5	Linn County-County Home Road Complex Sanitary Sewer	Wastewater	Inlet Discharge Depression	Approved	10/27/98
6	Cedar Rapids Water Department	Flood Plain	Floodway Encroachment	Approved	10/09/98
7	MidAmerican Energy-Louisa Generating Station-Louisa County	Wastewater	Monitoring Frequency	Approved	10/16/98
8	Audubon County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	10/27/98
9	Ottumwa-Midland CCR Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	10/13/98
10	John Meyer-Denison	Watersupply	Installation Procedures	Approved	10/13/98
11	Logan, City of	Watersupply	Construction Materials	Approved	10/09/98
12	Logan, City of	Watersupply	Installation Procedures	Approved	10/09/98
13	Page 1 Rural Water District-Clarinda	Watersupply	Construction Materials	Approved	10/27/98
14	Page 1 Rural Water District-Clarinda	Watersupply	Installation Procedures	Approved	10/27/98

**SPILL REPORT - OCTOBER 1998**

From October 1, through October 31, 1998, 52 reports of hazardous conditions were received.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling & Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct	52(70)	28(37)	11(17)	13(16)	20(28)	2(6)	24(28)	1(5)	0(0)	5(3)

(numbers in parentheses for the same period in fiscal year '98)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
8	10	5	7	8	14

**RULEMAKING STATUS REPORT****November 1, 1998**

PROPOSAL	NOTICE TO COMM	NOTICE PUBLISH	RULES REVIEW COMM	HEARING	FINAL SUMMARY TO COMM	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM	RULE EFFECTIVE
1. Ch. 12 – Environmental Audits	9/21/98	10/21/98	11/10/98	11/10/98	*12/21/98	12/21/98	*1/13/99	*2/08/99	*2/17/99
2. Ch. 22, 23, and 25, Hospital, Medical and Infectious Waste Incinerators, and Municipal Waste Combustors	3/16/98	AMENDED 8/26/98 4/08/98	9/07/98 5/04/98	9/02/98 5/25/98	10/19/98	10/19/98	11/18/98	*12/07/98	*12/23/98
3. Ch. 65 – Animal Feeding Operation Rules	11/19/98	*12/16/98	*1/12/99	*1/ /99	*1/25/99	1/25/99	*2/24/99	*3/09/99	*3/17/99
4. Ch. 137 – Brownfield Program	7/20/98	8/12/98	9/07/98	9/1,2,3/98	10/19/98	10/19/98	*11/18/98	*12/07/98	*12/23/98
5. Ch. 219 – Waste Tire Beneficial End Users	7/20/98	7/20/98	9/07/98	9/02/98	10/19/98	10/19/98	11/18/98	*12/07/98	*12/23/98

**ENFORCEMENT REPORT UPDATE****November 1, 1998**

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Maquoketa, City of (1)	Wastewater	Discharge Limits; Compliance Schedule	Order/Stipulated Penalty	10/01/98
Harry Smith, Fairfield (4)	Drinking Water	Operator Certification	Emergency Suspension Order	10/01/98
Bert Jester, Fairfield (4)	Drinking Water	Operator Certification	Emergency Suspension Order	10/01/98
Coralville, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Order	10/01/98
Sparboe Eagle, LLC, Wright Co. (2)	Animal Feeding Operation	Construction Without Permit	Order/Penalty \$3,000	10/06/98
Barr Farm Venture; Mel Foster Properties, Inc., Scott Co. (6)	Wastewater	Stormwater-Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty \$10,000	10/07/98
Rustic Oaks Homeowner's Assoc., Blue Grass (6)	Drinking Water	MCL – Acute Bacteria	Emerg. Order	10/09/98
Robert Niggemeyer, Lee Co. (6)	Solid Waste	Illegal Disposal	Order/Penalty \$500	10/12/98
Harold Knowler,	Air Quality;	Open Burning;	Order/Penalty	10/12/98

## Environmental Protection Commission Minutes

November 1998

Keokuk Co. (6)	Solid Waste	Illegal Disposal	\$1,000	
Jim Walker, Johnson Co. (6)	Solid Waste Air Quality	Illegal Disposal; Open Burning	Order/Penalty \$2,000	10/12/98
Klinton and Lynn M. Patterson D/b/a Lynn's Farm Hancock Co. (2)	Animal Feeding Operation	Construction Without Permit; Separation Distance	Order/Penalty \$3,000	10/12/98
Casey's General Stores, Inc., Polk Co. (5)	Underground Tank	Remedial Action	Order/Penalty \$8,000	10/12/98
Dakota Mobile Home Park, Iowa City (6)	Drinking Water	MCL – Acute Bacteria	Emerg. Order	10/13/98
Williamson, City of (5)	Wastewater	Operation Without Permit	Order	10/20/98
Westwood, City of (6)	Wastewater	Operation Without Permit	Order	10/20/98
Leland, City of, Arnold Ambrosen (2)	Wastewater; Drinking Water	Construction Without Permit	Order/Penalty \$1,000	10/20/98
Cinda L. Welk Musctine Co. (6)	Air Quality	Open Burning	Order/Penalty \$7,500	10/20/98
Steve Stout, Washington (6)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$5,000	10/26/98
Albion, City of (5)	Wastewater	Discharge Limits	Order	10/26/98
Kraus's Serene Wooded Acres, Amana (6)	Drinking Water	MCL – Bacteria	Order/Penalty \$500	10/26/98
Robert Diehl, Clarke Co. (5)	Wastewater; Drinking Water	Operation Without Permit; Operation Without Permit	Order/Penalty \$5,000	10/26/98
Underwood Motel, Underwood (4)	Drinking Water	MCL-Nitrate; Monitoring-Bacteria, Nitrate, Other, Inorganics, Organics, Radioactivity, Other	Order/Penalty \$4,000	10/26/98
The Heights, Monticello (1)	Drinking Water	MCL-Bacteria; Monitoring-Bacteria; Public Notice	Order/Penalty \$500	10/26/98
The Sportsmen, Oelwein (1)	Drinking Water	MCL-Bacteria; Monitoring-Bacteria; Public Notice	Order/Penalty \$500	10/26/98

## SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Searsboro, City of	WW	2,500	11-08-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
David Kramer (Camanche)	UT	600	5-03-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Orrie's Supper Club, Inc. (Hudson)	WS	650	7-15-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	8-01-96
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Gassman's MHP & Spruce Harbor Inn (Dubuque)	WS	4,500	12-26-96
Mark Anderson d/b/a Westside Park for Mobile Homes; M A, Inc. (Burlington)	AQ/SW	1,000	1-03-97
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
J.F.V. Corporation; Frank Hawk; Sharon Hawk (Prole)	UT	600	2-19-97
Hofer's Danceland Ballroom (Walford)	WS	3,188	4-19-97
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,530	6-05-97
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000	7-29-97
Roy E. Hawkins (Newton)	SW	1,000	10-22-97
South Park Mobile Home Park (Iowa Falls)	WW	1,000	1-04-98
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
# Harold Unternahrer (Washington Co.)	AFO	3,000	4-06-98
Webb, City of	WS	2,000	4-27-98
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	5-01-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	2,000	7-01-98
# Troy Hanson (Wright Co.)	AFO	1,500	8-14-98

*R. V. Hopkins, Inc. (Davenport)	AQ	15,700	8-15-98
Big Ten Mart/Truck Stop (Lowden)	WS	5,000	8-17-98
# Rodney Mullins (Humboldt Co.)	AFO	500	8-22-98
Albert Fleming (Clayton Co.)	FP	2,000	9-06-98
Oakland Mills Store (Mt. Pleasant)	WS	200	9-07-98
# Vande Haar Dairy Farm (Marion Co.)	AFO	3,000	9-15-98
Pewe Mercantile, Inc.; Dion Pewe (Grand Mound)	UT	10,000	9-20-98
* Gary Lund Construction (Eagle Grove)	SW	2,500	11-01-98
* Milton, City of	SW/AQ	750	11-01-98
Mike's Fisherman's Wharf (Dubuque)	WS	2,500	11-01-98
Kalona Golf Club (Washington Co.)	WS	250	10-31-98
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
Tyler Excavating; Fred Knosby (Warren Co.)	SW	1,000	11-08-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Randy Harbach d/b/a Randy's Sanitation (Delaware Co.)	SW	5,000	11-22-98
Barr Farm Venture; Mel Foster Co. Properties (Scott Co.)	WW	10,000	12-07-98
# Sparboe Eagle, LLC (Wright Co.)	AFO	3,000	12-07-98
Casey's General Stores, Inc. (Johnston)	UT	8,000	12-13-98
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,500	1-15-99
Reed's Auto Salvage (Clinton Co.)	AQ/SW/WW	1,000	----
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	----
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	----
Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	500	----
Deer Ridge Estates (Ottumwa)	WS	100	----
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	----
Jim Walker (Johnson Co.)	AQ/SW	3,000	----
Robert Niggemeyer (Lee Co.)	SW	500	----
# Klinton & Lynn Patterson dba Lynn's Farm (Hancock Co.)	AFO	3,000	----
Leland, City of; Arnold Ambrosen	WS/WS	1,000	----
Cinda L. Welk (West Liberty)	AQ	7,500	----
The Heights (Monticello)	WS	500	----
Kraus's Serene Wooded Acres (Amana)	WS	500	----
Robert Diehl (Clarke Co.)	WW/WS	5,000	----
Steve Stout (Washington)	AQ/SW	5,000	----
Underwood Motel (Underwood)	WS	4,000	----
The Sportsmen (Oelwein)	WS	500	----
	<b>TOTAL</b>	<b>225,563</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96

Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Carpenter Bar & Grill (Carpenter)	WS	725	9-27-96
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Charlie's Supper Club (Algona)	WS	100	8-01-98
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
<b>TOTAL</b>		<b>68,104</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000

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Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	AQ/SW	2,000
Shell Rock Products, Inc. (Butler Co.)	AQ/SW	10,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Dallas County Care Facility (Adel)	WW	2,500
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Ron Rupe (Polk Co.)	SW	2,000
Richard L. Magdefrau (Washington Co.)	AQ/SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
Dakota Mobile Home Park (Oxford)	WW	2,550
Waste Mgmt. & Design; Monfort, Inc. (Des Moines)	SW/WW	10,000
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	4,000
Carroll, City of	WS	3,000
Todd L. Salow (Washington)	AQ/SW	5,000
Camp Golden Valley (Lockridge)	WW	5,700
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Craig Burgin (Indianola)	UT	600
Wayne Johnson (Rockford)	AQ/SW	1,000
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Delaware County Landfill, Inc.	SW	5,000

Brittany Estates Addition (Manchester)	WS	4,000
Kruger Seed Co. (Dike)	AQ	3,000
Ritchie Industries, Inc. (Conrad)	AQ	3,000
Bob Luke d/b/a D & R Tree Service (Washington)	AQ/SW	1,000
Country Pumpkin (Deloit)	WS	500
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Comm.	SW	10,000
Advanced Technologies Corp. (Waterloo)	AQ	7,500
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Stellar Industries, Inc. (Garner)	AQ	3,000
Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash (Merrill)	WW	5,000
Iowa Mold Tooling Co., Inc. (Garner)	AQ	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
Walnut Grove Water Company (Davenport)	WS	2,500
North Central Cooperative (Clarion)	WW/HC	2,000
# Iowa Select Farms, L.P. (Hardin Co.)	WW	1,500
Troy Elevator, Inc. (Troy)	WW/HC	4,000
# Austin J. DeCoster (Nursery 8) (Wright Co.)	WW	1,000
Sac City, City of	WW	4,000
Rockwell City, City of	WW	10,000
Ira and Debby Cooley; Karen Sauer (Keokuk Co.)	AQ/SW	1,000
Ed Engelbrecht d/b/a E & E Auto Salvage (Lee Co.)	AQ/SW	1,000
Enviro Safe Air, Inc. (Creston)	AQ	10,000
Pathway Christian School (Kalona)	WS	500
Pictured Rocks Methodist Camp (Monticello)	WS	700
Wiese Corporation (Perry)	AQ	5,000
Ben Haven Mobile Home Park	WS	5,500
Howard Victor and Wanda Victor (Des Moines)	UT	10,000
# Verton S. Miller (Johnson Co.)	AFO	2,000
Dwight Johnston (Knoxville)	AQ/SW	10,000
Rosebar Tire Shredding Center; Dan Schwitters (Vinton)	SW	10,000
Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	10,000
West Liberty, City of	WW	5,000
The Legacy Group, L.C. (Des Moines)	WW	10,000
Miller Deconstruction & Fabrication (Clinton Co.)	AQ/SW	750
The Elm's Corporation of Linn County (Cedar Rapids)	UT	4,700
Harold Knowler (Keokuk Co.)	AQ/SW	1,000
Eagle Lane Corp. (Blue Grass)	WS	4,000
# Interstate Pork, Inc. (Cedar Co.)	AFO	3,000
John Janning (Carroll Co.)	AQ/SW	10,000
Warnke Construction Co.; Randeau Warnke (Carroll Co.)	AQ/SW	10,000
<b>TOTAL</b>		<b>516,875</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Akron, City of	WW	3,000
Robert Black d/b/a Blackie's Auto Repair (Worth Co.)	AQ	1,000
Dennis McHugh (Clay Co.)	AQ/SW	1,500
James Mills (Webb)	AQ/SW	1,500
Webb, City of	AQ/SW	1,500
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	1,000



Pilot Oil Corporation (Walcott)	WW/UT	3,000
* Milton, City of	SW/AQ	250
# Iowa Select Farms, L.P. (Sow 8) (Wright Co.)	WW/HC	2,166
Latimer, City of (Paid 10/96)	WS	50
<b>TOTAL</b>		<b>14,966</b>

**ATTORNEY GENERAL REFERRALS**

November 1, 1998

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Advanced Technologies Corp. Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	6/20/97 6/05/98
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/ Penalty	Referred Petition Filed	5/29/96 6/05/98
Bodensteiner, Edward Des Moines (5)	Under-ground Tank	Site Assessment	Order/ Penalty	Referred	8/17/98
Buringrud, Mark d/b/a Carpenter Bar and Grill Carpenter (2)	Drinking Water	Monitoring/ Reporting- Bacteria, Nitrate	Order/ Penalty	Referred Petition Filed	11/17/97 6/04/98
Clark, Doug d/b/a Charlie's Supper Club Livermore (2)	Drinking Water	Failure to Renew Permit; Monitoring/ Reporting	Order/ Penalty	Referred Petition Filed	7/20/98 9/24/98
DeCoster, A.J. Wright Co. (2)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Hearing on Pre-Trial Motion Order Denying Defendant's Motion Order Granting State's Motion State's Motion to Compel Hearing Order Granting State's Motion Trial Closing Arguments Ruling (\$59,000/Civil) Defendant's Notice of Appeal Defendant's Brief Filed Defendant's Amended Brief Filed State's Brief Filed State's Amended Brief Filed Defendant's Reply Brief Filed	7/17/95 1/23/96 10/28/96 11/06/96 11/21/96 1/28/97- 2/06/97 2/11/97 2/21/97 3/05/97 3/28/97 9/05/97 4/04/97 9/05/97 9/24/97 1/12/98 1/22/98 2/19/98

DeCoster, A.J.

Nursery Unit #3 Wright Co. (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
DeCoster, Austin J. Sow Unit #1 <b>UPDATED</b>	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed State's Motion to Change Venue State's Motion to Consolidate Order Granting Motions Amended & Substituted Petition Filed Defendant's Motion for Partial Summary Judgment State's Motion for Partial Summary Judgment Hearing on Defendant's Motion for Partial Summary Judgment Hearing on State's Motion for Partial Summary Judgment Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for Partial Summary Judgment Trial Ruling for State Defendant's Notice of Appeal Defendant's Proof Brief Filed State's Brief	1/22/97 4/24/97 4/28/97 4/28/97 4/28/97 5/19/97 7/14/97 8/04/97 8/11/97 8/25/97 9/02/97 9/04/97 9/16-18/97 1/15/98 2/13/98 7/08/98 10/08/98
DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	8/18/97 3/20/98
DeCoster, Austin J. Sow Unit #3 Hamilton Co. (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	12/15/97
Farmers Hybrid Companies, Inc. Poweshiek Co. (1)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	3/16/98
Gassman, Charles and Ruth d/b/a Gassman's MHP Dubuque (1)	Drinking Water	Monitoring /Reporting- Nitrate	Referred to Attorney General	Referred Petition Filed	6/15/98 10/01/98
Grell, Don d/b/a Dodger Enterprises Ft. Dodge <b>UPDATED</b>	Air Quality	Open Burning	Order/ Penalty	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Granted	1/20/98 8/25/98 9/28/98 10/26/98

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Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/ Penalty	Referred Petition Filed Entry of Default	12/18/95 4/18/96 11/01/96
Hidden Valley Mobile Home Court Washington Co. (6)	Drinking Water	Monitoring/ Reporting - Lead and Copper	Order/ Penalty	Referred Petition Filed	1/20/98 9/29/98
Huyser, James; Trust Trucking Lovilia (5)	Under- ground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Larson, Daryl Clinton Co. (6)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	10/20/97 6/26/98
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	8/17/98
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/ Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5) <b>UPDATED</b>	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed	12/15/97 10/02/98
Papetti's of Iowa Food Products, Inc. Taylor Co. (4) <b>UPDATED</b>	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consent Decree (\$169,900/Civil)	1/22/97 10/30/98 10/30/98
Postville Pork Postville (1)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	5/20/96 7/09/97 11/4/98
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/ Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Under- ground Tank	Insurance Violation	Order/ Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
Schoenberr, R.B. d/b/a Long	Drinking	Permit	Orders/	Referred	6/20/97

Branch Tavern Monmouth (1)	Water	Renewal	Penalties	Petition Filed	6/04/98
Tire Tech Environmental Systems, Inc. Muscatine (6)	Solid Waste	Tire Processing Permit Violations	Referred to Attorney General	Referred Petition Filed Hearing on Temporary Injunction Temporary Injunction	4/20/98 6/23/98 8/25/98 9/15/98
Tracy, Ronald d/b/a TRACE, Inc. Howard Co. (1)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Criminal Complaint Filed	11/17/97 11/26/97
Underwood, Paul d/b/a Underwood Excavating and Demolition Cedar Rapids (1)	Air Quality	Asbestos	Order/ Penalty	Referred Motion for Judgment	5/15/95 8/15/96
Village Realty Pottawattamie Co. (4) <b>UPDATED</b>	Under-ground Tank	DNR Defendant	Defense	Petition Filed State's Motion to Dismiss	8/12/98 10/08/98
White, Robert Jeff Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/ Penalty	Referred	4/20/98
Williams, Dean d/b/a Williams Oil Co. Stuart (4)	Under-ground Tank	Site Assessment	Order/ Penalty	Referred Petition Filed	10/20/97 9/24/98
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Under-ground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred	1/17/95 8/28/96 12/13/96 3/30/98

## CONTESTED CASES

6-08-89	Shaver Road Investments	Site Registry	HW	Tack	Testing being done prior to revision of consent order.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Tack	New draft consent order issued to company for approval.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Admin. Order	SW	Tack	Permit issued. District court suit dismissed. Field Office
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Admin. Order/Penalty	SW	Tack	Settlement reached. Clean-up to be completed by 7/1/99.
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement close, 7/1/98.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Tack	DNR engineers reviewing documents.

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1-17-92	Hickory Hollow Water Co.	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
6-23-92	Chickasaw County Board of Supervisors.	Admin. Order/Penalty	SW	Tack	Closure to be completed 12/98.
9-21-92	ITWC	Admin. Order/Penalty	AQ	Preziosi	Settlement close. Negotiating penalty.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Follow-up
11-16-92	Frank Hulshizer	Admin. Order/Penalty	SW	Tack	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 response from
4-05-93	Mapleton, City of	WW Operator	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for
4-21-93	Donald Udell	Admin. Order/Penalty	SW	Tack	Settled. Awaiting penalty payment.
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Draft permit issued. Settled.
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by
7-20-93	Valley Restaurant/Sierp Oil, Mary & Carl	Admin. Order	UT	Womson	Tier 2 initiated.
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	8/12/97 - Appeal being reviewed in context of Title V
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock	Admin. Order/Penalty	AQ	Preziosi	Negotiating penalty. Settlement close.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2-28-94	Coastal Mart - Davenport	Admin. Order/Penalty	UT	Womson	Penalty payment received 10/19/98. Settled.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested
5-10-94	Dennis Malone; Joanne Malone	Admin. Order/Penalty	UT	Womson	Settled. Penalty waived. Closed.
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	Admin. Order/Penalty	UT	Womson	Tanks closed. Property sold. Buyer not Fund eligible and
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal
7-12-94	Tom Wiseman	Admin. Order/Penalty	UT	Womson	Appeal untimely. Follow-up letter sent. Fund eligible. Tier I
8-12-94	Karl and Thelma Boylan d/b/a Boylan's	Admin. Order/Penalty	UT	Womson	Inability to pay. Failed to return required documentation. Letter
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Womson	SCR accepted. Letter sent offering penalty negotiations
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Admin. Order/Penalty	UT	Womson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin. Order/Penalty	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5 (Bussey)	Admin. Order/Penalty	SW/AQ	Tack	Consent order sent to parties.
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to
9-16-94	Wunschel Oil Co.; Vernus Wunschel;	Admin. Order/Penalty	UT	Womson	Consent order. SCR received. Revisions to SCR required -
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits.
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin. Order/Penalty	UT	Womson	Inability to pay - requested documentation -- no response. State
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept. 4/95 -
1-11-95	Henry and Randy Krohn d/b/a Krohn	Admin. Order/Penalty	AQ/SW	Tack	Penalty settlement reached. Awaiting penalty payment.
1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide
3-23-95	American Coals Corp.	Admin. Order	SW	Tack	Awaiting consent order approval.
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises; Douglas W.	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron;	Admin. Order/Penalty	HC/WW	Tack	Hearing continued. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-25-95	Fremont County SLF	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Tack	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-266 thru 91-A-	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.

6-16-95	Pilot Oil Corporation	Admin. Order/Penalty	WW/UT	Murphy	Penalty settlement received 10/19/98. Settled.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Tack	Penalty settlement due 8/30/97.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Womson	Tanks removed. Report due.
7-10-95	Gilbert Persinger/Smithland Store	Admin. Order/Penalty	UT	Womson	SCR received - rejected. Review progress.
8-01-95	Wilbur McNear d/b/a McNear Oil Co./Charter	Admin. Order/Penalty	UT	Womson	SCR received/rejected. Referral for state lead. Negotiating
8-18-95	Holiday Mobile Lodge, Inc.	Admin. Order/Penalty	AQ/SW	Tack	Negotiating settlement.
8-24-95	Shell Rook Products, Inc.	Admin. Order/Penalty	AQ/SW	Preziosi	Settlement offer due 8/1/96.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96. Letter
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin. Order/Penalty	SW	Tack	Sent to DIA to be set for hearing.
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor.
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger, K & K Sanitation	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6. Receiving
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Hearing set for 11/18/98.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Womson	Compliance initiated by Atlantic Bottling. Comingled with coal
1-08-96	Westside Park for Mobile Homes	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility
1-22-96	Daryl Hollingsworth and Karen Hollingsworth	Admin. Order/Penalty	UT	Womson	Tanks removed. Property sold. Parties out-of-state. New owner
1-25-96	Hidden Valley Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's Building Supply	Admin. Order/Penalty	AQ/SW	Tack	Hearing set for 12/8/98.
2-06-96	Russell Staggs	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section..
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from City's engineer. To be set for
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscataine Community School	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	Consent order drafted.
5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer
5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning Variance	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	Admin. Order	WW	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-10-96	DeCoster Farms of Iowa (5 sites)	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-19-96	Appanoose Co. Sanitary Landfill	Permit Modification	SW	Tack	Hearing set for 6/29/98 - settlement pending.
6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. &	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
7/17/96	Richard L. Magdefrau	Admin. Order/Penalty	AQ/SW	Tack	Settled. Awaiting penalty payment.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 -	Permit Denial	WW	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site	Admin. Order/Penalty	WW	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M	Admin. Order/Penalty	UT	Womson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile	Admin. Order/Penalty	WW	Clark	Settlement letter sent 9/25/98.

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8/23/96	Waste Management & Design (Monfort)	Admin. Order/Penalty	WW/SW	Tack	Settlement pending.
8/30/96	Howard Victor & Wanda Victor	Admin. Order/Penalty	UT	Womson	Closed facility. Settlement pending.
9/04/96	Ag Processing, Inc./Sheldon Facility	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 -	Permit Revocation	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit Conditions	WW	Hansen	Negotiating before filing.
11/01/96	Joseph Barragy and Tom Barroy d/b/a J & M	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing..
11/05/96	Marvin Low d/b/a Low's DX	Admin. Order/Penalty	UT	Wornson	Settled. Penalty payment received. Closed.
11/07/96	Todd L. Salow	Admin. Order/Penalty	AQ/SW	Tack	Settled. Awaiting penalty payment.
11/08/96	Carroll, City of	Admin. Order/Penalty	WS	Hansen	Returned to compliance.
11/25/96	Camp Golden Valley	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC
12/05/96	Organic Technologies Corp. -----91-SDP-02-	Admin. Order/Penalty	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC
1/02/97/	Ruan Leasing Co., aka Ruan Transportation	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/28/97	Ralene Hawkins d/b/a R.J. Express Salvage &	Admin. Order/Penalty	SW/AQ	Tack	Clean-up complete. Negotiating penalty.
2/07/97	Craig Burgin	Admin. Order/Penalty	UT	Wornson	Compliance complete. Negotiating penalty.
2/19/97	Cliff's Place, Inc.	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin. Order/Penalty	SW/AQ	Tack	Negotiating before filing.
3/20/97	Sylvan Acres	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd Behounek	Admin. Order/Penalty	SW/AQ	Tack	Negotiating before filing.
4/07/97	AGP, Inc. (Ag Processing, Inc.)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/10/97	Lehigh Portland Cement	PSD Permit Denial	AQ	Kaizer	Negotiating before filing.
5/07/97	Delaware County Landfill, Inc.	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
6/06/97	Carroll's Foods of the Midwest	Const. Permit Denial	WW	Clark	Negotiating before filing.
6/10/97	Kruger Seed Co.	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty payment received 10/30/98. Closed.
6/16/97	Ritchie Industries, Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/17/97	Bob Luke d/b/a D & R Tree Service	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
6/30/97	Linwood Mining and Minerals	Admin. Order	AQ	Preziosi	Negotiating before filing.
7/22/97	CIPCO	Construction Permit	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
7/30/97	Country Pumpkin	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
7/31/97	Advanced Technologies Corp.	Admin. Order/Penalty	AQ	Kaizer	Negotiating before filing.
8/01/97	Dodger Enterprises Co., Tire Chop Division;	Admin. Order	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC.
8/05/97	Biovance Technologies	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co. Solid	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
8/15/97	Ralston Purina Co.	Permit Conditions (25	AQ	Preziosi	Negotiating before filing.
8/18/97	Stellar Industries Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner	Admin. Order/Penalty	WW	Murphy	9/97 - Case on hold pending compliance.
9/17/97	Keokuk Steel Castings	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/26/97	Walnut Grove Water Co.	Admin. Order/Penalty	WS	Hansen	Under review by WS section. Connection to water supply for
10/6/97	North Central Cooperative	Admin. Order/Penalty	HC/WW	Murphy	3/98 - Site assessment proceeding.
10/6/97	Holnam, Inc.	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/7/97	Ottumwa, City of	Variance Denial	WW	Hansen	Informal meeting held 11/13/97. City submitted proposal. Letter
10/22/97	Lehigh Portland Cement Co.	Admin. Order	AQ	Preziosi	Negotiating before filing.
11/19/97	Troy Elevator, Inc.	Admin. Order/Penalty	WW/HC	Murphy	Negotiating before filing.
12/02/97	Dows, City of	Admin. Order	WW	Hansen	F.O. 2 inspection 3/98. To be set for hearing. Letters received

12/03/97	Milton, City of	Admin. Order/Penalty	SW/AQ	Tack	Penalty payment plan received 10/19/98. Settled.
12/12/97	Donald E. Grell; Dodger Enterprises, Tire	Notice of Intent to Revoke	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98.
12/22/97	Dave and Kristi Castenson; Donald Fields,	Harcourt Variance	WW	Hansen	Hearing set for 7/20, 21/98. Hearings also held 8/20 and 8/28.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp	NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant.
1/29/98	Ralston Purina Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/30/98	Rockwell City	Admin. Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding facility plan.
2/13/98	Ed Engelbrecht d/b/a E & E Auto Salvage	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
2/26/98	Ira Cooley, Debby Cooley and Karen Sauer	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer pending.
2/27/98	James Mills	Admin. Order/Penalty	AQ/SW	Preziosi	Settled. Penalty received. Closed.
2/27/98	Webb, City of	Admin. Order/Penalty	AQ/SW	Preziosi	Settled. Penalty received. Closed.
3/06/98	Enviro Safe Air, Inc. (98-AQ-05)	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/03/98	Pictured Rocks Methodist Camp	Admin. Order/Penalty	WS	Hansen	Facility agreed to install chlorination. FO 2 inspection on
4/03/98	Cooperative Oil Company; Mickey Berg	Admin. Order	UT/WW	Wornson	Compliance initiated.
4/23/98	North Liberty, City of	Admin. Order	WW	Hansen	Negotiating before filing.
4/27/98	Weise Corporation	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/28/98	ALCOA	Permit Conditions	WW	Hansen	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	Admin. Order/Penalty	WS	Hansen	Chlorination system installed by WS.
5/11/98	Teri Cook-Schlutz	401 Certification	WQ	Murphy	Negotiating before filing.
7/01/98	Ag Processing, Inc.	Permit Conditions	AQ	Kaizer	Negotiations continue.
7/27/98	Mitchell Dam Bar	Permit Conditions	WS	Hansen	Negotiating before filing.
7/28/98	Q.C. Metallurgical Laboratory	Laboratory Certification	UT	Wornson	Negotiating before filing.
7/29/98	Eagle Lane Corporation	Admin. Order/Penalty	WS	Hansen	Water supply in compliance with monitoring requirements.
7/29/98	Archer Daniels Midland 98-A-507P thru	Permit Provisions	AQ	Preziosi	Negotiating before filing.
8/13/98	Obie's Hurstville Tap	Admin. Order	WS	Murphy	Negotiating before filing.
8/18/98	University of Iowa	Permit Conditions	WW	Hansen	Negotiating before filing.
9/15/98	Verton S. Miller	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/16/98	Gary Lund Construction, Inc.	Admin. Order/Penalty	AQ/SW	Tack	Settled. Penalty plan accepted. Closed.
9/22/98	Rosebar Tire Shredding Center; Dan L.	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
9/22/98	Dwight Johnston	Admin. Order/Penalty	AQ/SW	Tack	Hearing date to be set.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	Admin. Order/Penalty	AQ	Kaizer	Negotiating before filing.
10/03/98	Ag Processing, Inc. (Emmetsburg)	Permit Exemption Denial	AQ	Kaizer	New case.
10/06/98	M & W Pallett Co.	Admin. Order	SW	Tack	New case. Clean-up in progress.
10/08/98	West Liberty, City of	Admin. Order/Penalty	WW	Hansen	New case.
10/09/98	Miller Deconstruction and Fabrication	Admin. Order/Penalty	AQ/SW	Tack	New case.
10/09/98	Elm's Corporation of Linn County	Admin. Order/Penalty	UT	Wornson	New case.
10/09/98	Wanke Construction Co.; Randean Wanke	Admin. Order/Penalty	AQ/SW	Kaizer	New case.
10/13/98	The Legacy Group, L.C.; Easter Lakes Estate	Admin. Order/Penalty	WW	Murphy	New case.
10/15/98	Ag Processing, Inc. (Sergeant Bluff)	Permit Exemption Denial	AQ	Kaizer	New case.
10/23/98	John Janning	Admin. Order/Penalty	AQ/SW	Kaizer	New case.
10/26/98	Maquoketa, City of	Admin. Order	WW	Hansen	New case.
10/28/98	Howard Knowler	Admin. Order/Penalty	AQ/SW	Tack	New case.

Mr. McAllister briefly reviewed the monthly reports.

Brief discussion took place regarding several listings on the variance and enforcement reports.

INFORMATIONAL ONLY
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**CONTRACT APPROVAL - SOLID WASTE DISPOSAL DATA SYSTEM DEVELOPMENT**

Darrell McAllister, Bureau Chief, Water Quality Bureau, presented the following item.

The Commission will be asked to approve an agreement with Iowa State University for development of an automated data management system. This system will provide for entry, storage, processing, and retrieval of data from landfill monitoring systems.

Landfills have been required to do groundwater monitoring since 1972. The monitoring requirements were increased in 1989. Comparison and trend analysis of data gathered from groundwater monitoring reports filed by landfill operators over the years is extremely difficult and time consuming. The proposed automated data management system would provide for rapid and comprehensive review of the groundwater monitoring data. The contract would be for a one year period at a cost of \$51,758.00. The source of these funds would be the operating budget of the solid waste section which comes from the solid waste account funded by tonnage fees paid by landfills.

Mr. McAllister explained details of the contract.

*Motion was made by Rozanne King to approve the contract with ISU for development of the Solid Waste Disposal Data System. Seconded by Rita Venner.*

**APPROVED AS PRESENTED**

Rozanne King asked if there was a bidding process on this contract.

Mr. McAllister replied that with Universities bid process is not needed as they are another governmental unit.

*Vote on the motion carried unanimously.*

**REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its

position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. James LaFollette and Kurt Douglas (Marion County) – penalty collection
- b. Flannegan Conservation Service (Palo Alto County) – solid waste
- c. Austin J. DeCoster (Nursery M-1 – Lucas County) – animal feeding operation
- d. Public Water Supply Facility #1656750 (Lowden) – drinking water
- e. Pewe Mercantile, Inc. and Dion Pewe (Grand Mound) – underground tanks

### **Public Water Supply Facility #1656750 (Lowden)**

Mr. Murphy stated that this facility was previously known as Big 10 Mart/Truck Stop and contained a convenience store, service station and restaurant. He related that the restaurant is what makes it a public water supply under the department's jurisdiction, adding that it is served by its own well. He noted that it had also been known as the Family Table Restaurant and had been changed to the Arrow Cafe. Mr. Murphy stated that he does not know the current name of the facility. He related that the system has historically had bacterial problems, and under the ownership of Molo Oil Company a new well was installed as well as a chlorination system. He added that Molo Oil owned it at relevant times to the Administrative Order of September 1997. Mr. Murphy related that at that time Molo Oil was leasing the restaurant to Sam Tika, and there is a dispute between the two parties as to who was responsible for doing the monitoring of the water supply. The DNR issued an Order to both parties and Mr. Tika appealed and it was dismissed. The Order was amended in May 1998 as the department still was not receiving the monthly operational monitoring reports. Mr. Murphy stressed that the issues are: 1) the nonpayment of the \$5,000 penalty; and 2) the ongoing failure to submit reports for daily operational monitoring. He related that the facility was sold in May 1998 to New Horizons FS Fuel and they are named in the referral because of the ongoing failure to submit monthly operation reports. He noted that he received a note from New Horizons FS Fuel stating they served notice on Mr. Tika that if the monitoring is not done he would be evicted.

### **Appointment - Sam Tika**

Sam Tika, representing Arrow Cafe, stated that in September 1996 he leased the business from Molo Oil and his contract states he is only responsible to the landlord to make daily reports and not to send samples to the lab. He added that he has been doing that he has tried to work out the fines with Molo Oil. Mr. Tika related that Molo Oil sold the facility to New Horizons in April, and last week he filed suit against Molo Oil. He reiterated that his contract states he is to send his daily samples only to the company, not to DNR. He stated that no one ever showed him how to do samples and he has done his best. He said he had never been contacted by New Horizons and does not even have a new lease with them, adding that they are just now preparing a new lease for him. Mr. Tika asked that the Commission consider his contract with Molo Oil, adding that he sent five samples a month and Molo Oil has not sent their nitrate and nitrite since 1993.

**Appointment - Markley Ann Bradley**

Markley Ann Bradley, Molo Oil Company, stated that when Mr. Tika took over in 1996 some of the original employees always did the daily water chlorination tests, and the facility was always in compliance then. She related that some of those employees were there to teach Mr. Tika how to do the tests, and several people from DNR came and showed him how to do the daily water tests. She noted that when the original Order came in Molo Oil did not appeal it as Mr. Tika was the one to appeal, so they did not receive a notice the second time. Ms. Bradley stated that Molo Oil did everything they should when they had the place and even installed a new water well. She added that Molo Oil has done their part and it is Mr. Tika's responsibility, as a leasee, for the daily operations of everything there.

Mr. Murphy noted that he is not sure Mr. Tika understands the continuing problem, which is the daily monitoring and tests that are required each day and are to be submitted on a monthly report to the department.

Brief discussion followed.

*Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Kathryn Murphy. Motion carried unanimously.*

**REFERRED**

**HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR - STATE IMPLEMENTATION PLAN**

Darrell McAllister, Bureau Chief, Water Quality Bureau, presented the following item.

The Commission will be asked to approve the attached Hospital/Medical/Infectious Waste Incinerator (HMIWI) State Implementation Plan.

The Commission approved final HMIWI emission guidelines which correspond with federal emission guidelines at their October 1998 meeting. This plan provides specific information and mechanisms as to how the state will implement those HMIWI emission guidelines as required by sections 111(d) and 129 of the federal Clean Air Act.

(A copy of the SIP is on file in the department's Records Center)

Mr. McAllister reviewed the SIP noting that it plans specific information and mechanisms on how the state will implement the emission guidelines.

Pete Hamlin, Air Quality Bureau, reviewed that the Commission approved the rules on this issue last month and this is part of the requirement that EPA has placed upon the states to have a plan on how the rules will be implemented. He related that staff worked with the Hospital

Association on development of a plan to meet the federal requirements, and the Hospital Association is in agreement with the plan. He pointed out that this will result in a number of hospital incinerators shutting down as some of the small hospitals will not be able to meet the new requirements. He related that there are two parts of the state where the requirements will not be quite as stringent because they are not within 50 miles of a standard metropolitan area. The small hospitals will transport their waste to the larger facilities for disposal.

Chairman Ehm mentioned a presentation made to the Commission several years ago on alternative ways of handling medical wastes using small portable units and inquired whether those would be okay under this plan.

Mr. Hamlin noted that certain wastes would have to go to an incinerator, adding there are alternative methods dealing with some hospital wastes. He pointed out that most of the wastes coming out of hospitals are not hazardous or infectious, but some hospitals mix the wastes together.

Discussion followed regarding the areas outside of a the 50 mile radius; possibly setting a double standard; costs in a metro area; and smaller hospitals doing less stringent monitoring.

*Motion was made by Rita Venner to approve the Hospital/Medical/Infectious Waste Incinerator State Implementation Plan. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **NOTICE OF INTENDED ACTION--CHAPTER 65, ANIMAL FEEDING OPERATION RULES**

Darrell McAllister, Bureau Chief, Water Quality Bureau, presented the following item.

The Commission will be asked to approve a Notice of Intended Action to solicit public comment on proposed amendments to animal feeding operation rules. These amendments are primarily to Chapter 65 and address provisions of HF 2494 enacted during the 1998 legislative session as well as other technical amendments. Other rules affected are Chapters 22, 23, 68, 70 and 72.

Proposed amendments will be sent to Commissioners under separate cover prior to the commission meeting.

The draft Chapter 65 rules show the wording changes proposed as compared to the existing rules. The draft is a result of the DNR staff incorporating changes to implement HF2494 changes to improve the way the rules read and general changes to correct miscellaneous problems. The draft also includes changes as a result of the meetings with the Agriculture Consulting Organizations.

The DNR staff incorporated most of the comments received from the AACO. AACO will be going through the issues that are not included in the draft rules and may suggest alternative language to the Commission. Another AACO meeting is scheduled for November 10, 1998, for the AACO to prepare a final report to go to the Commission on any remaining issues.

(A copy of the draft Chapter 65 rules is on file in the department's Records Center)

Mr. McAllister stated that the draft rules are what the department has developed coming out of the revision to the law dealing with the animal feeding operations. He noted that HF 2494 was adopted earlier this year by the legislature putting through law and new provisions dealing with more animal feeding operations having manure management plans. It also required that applicators be certified and it moved the Indemnity Fund back to the DNR from DALs, and put some new things in place about the payment of fees. It put in place a different county role whereby the counties are still responsible for getting the applications but now they have to put them out on public notice, and they can be involved in handling complaints. The revisions added requirements in the application of manure from anaerobic lagoons. Mr. McAllister related that staff tried to incorporate all the requirements to make improvements in the wording by making it more consistent and easier to understand, adding it was done through several meetings with the AACO. He noted that since the last Commission meeting staff have met with AACO three times and most of the issues have been resolved. Mr. McAllister expressed appreciation for the time and effort put forth by AACO in helping to develop the rules. He summarized the content of the rules and changes that were made, and expanded on several specific issues. Mr. McAllister stated that there are several areas of disagreement between the department and AACO and they are covered in the AACO Report they provided to the Commission. He related there are several areas where additional work is needed as neither the department nor AACO's definition/recommendation is adequate, such as the definition of "aerobic structure," and also the location of corings near lagoon corners.

Charlotte Mohr asked if the county boards of supervisors have been brought in on this rule.

Mr. McAllister replied that he provided a copy of the draft rules to a representative of the Iowa Association of Counties, and a letter will be sent to the boards detailing their responsibilities.

Gary Priebe asked if the department needs a warrant to go on a person's property when investigating a complaint.

Mr. McAllister answered "no" and explained that the legislation gives the department director and his designees the authority to access property for investigation, and if they are refused access they can get a search warrant.

Rozanne King asked if the investigative officer wears protective garb for bio-security when doing an investigation.

Mr. McAllister stated that an owner has the right to make that request.

**Appointment - Mark Freidow (AACO)**

Mark Freidow, Iowa Poultry Association Representative on AACO, addressed the Commission thanking them for the extra month to work on the rules with DNR staff. He noted that pages 3-5 of the AACO report lay out the areas where AACO and the department are in agreement. He related that the areas of disagreement are also listed and he along with several other AACO committee members will address those issues. The presenters were Dr. Dennis Marple, ISU; Lindsey Larson, Iowa Farm Bureau; Maynard Jayne; and Dr. Jeffrey Lorimor, ISU. They discussed with the Commission each of the following 16 issues and the area of contention on each one.

- #1 - Definition of Aerobic Structures
- #2 - Definition of Release
- #3 - Reporting of Lab Results by Alleged Violator
- #4 - Operating and Construction Permit Suspension
- #5 - Prohibition on Issuing Certain Construction Permits
- #6 - Definition of Beginning Construction
- #7 - Complaint Investigations
- #8 - Soil Corings
- #9 - Anaerobic Lagoon and Earthen Manure Storage Basin Percolation Rate
- #10 - ASAE Standards
- #11 - Subsequent Lagoon Loading
- #12 - Manure Removal
- #13 - Secondary Containment Structures
- #14 - Qualified Operations - Language Inconsistent with Iowa Code
- #15 - Applicators Certification of Initial Test
- #16 - Records for Certified Applicators

The AACO report also lists a number of technical amendments recommended by AACO that DNR did not include in their 11/5/98 draft.

In conclusion, Mr. Freidow stated that AACO is requesting that the Commission make the corrections and additions to the DNR rules prior to sending them to public comment.

Chairman Ehm commented there are the draft rules presented by Mr. McAllister and he would suggest, if it is the wishes of the Commission, to adopt the draft Notice of Intended Action, and on any issues the Commission feel need to be addressed that they be handled as an amendment to the initial draft.

*Motion was made by Kathryn Murphy to approve the Notice of Intended Action--Chapter 65, Animal Feeding Operation Rules, with the notation that the DNR and AACO group continue to work together on the issues where they are in conflict. Seconded by Dean McWilliams.*

Rozanne King stated that she would feel more comfortable in sending out the areas of disagreement by AACO along with the NOI, so the public could comment on the whole package.

Rita Venner asked about the dates of the proposed hearings.

Mr. McAllister responded that four hearings are to be scheduled around the state in the first week of January, probably in the evening.

Charlotte Mohr commented that what she thinks the Commission needs to do is to accept the recommendations heard today and take the total package out to hearing.

Chairman Ehm stated that if it were one issue it might work to do that, but because there are 16 issues at stake it would mean having a lot of combinations of rules to make up.

Commissioner King noted that it has been done before, with more than one issue.

*Rozanne King moved to amend the motion to include the AACO recommendations along with the department rules in the areas where they do not agree. Seconded by Charlotte Mohr.*

Rozanne King explained that anything the department recommended is in the Notice of Intended Action and AACO's report is where they differ, so it would be sending to public notice the department rules as presented along with the ACCO recommendations.

Kathryn Murphy and Dean McWilliams concurred with the amendment.

*Vote on the motion, as amended, carried unanimously.*

**APPROVED WITH ADDITION OF AACO RECOMMENDATIONS TO  
GO TO PUBLIC HEARING**

## **REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)**

### **Austin J. DeCoster (Nursery M-1, Lucas Co.)**

Mike Murphy stated that the primary incident was a discharge of manure on Friday, April 24, 1998 into a tributary of the Chariton River. It was reported to the Field Office that evening, and the F.O. investigated on Saturday, at which time the discharge had ceased but evidence was still apparent in the tributary. He noted that sampling documented pollutants in the discharge path and the Chariton River and he expanded on the impacts. Mr. Murphy stated that in the follow up investigations the F.O. determined what appeared to be a chronic discharge, adding that they found a hole in an apparent drainage path in another area. He related that the F.O. gathered evidence indicating structural problems both with the pits and the anaerobic lagoon structure. Mr. Murphy noted that staff will attempt to deal with the latter aspects administratively, but would refer primarily for the discharge issue. He added that the reason for referral, in part, is due to the extensive history of both administrative and court actions involving Mr. DeCoster.

**Appointment - Stacey Warren (DeCoster Referral)**

Stacey Warren, Smith Law Firm, stated that her client objects to the procedure the Commission uses to make its findings without conducting any evidentiary hearing and she expanded on same. She related that her client objects to being denied access to the entire litigation report. She added that the Commission is to make an independent finding of fact and she feels the litigation report is influencing the Commission. She pointed out what she feels are deficiencies of the DNR report and that a lot of information is missing, and she expanded on that information. Ms. Warren explained that a clean out pipe was believed to be broken at the time of final grading around the building, possibly the summer before. She noted that a water line had been dug up and was repaired earlier in the year. Ms. Warren stated that when workers at the facility pulled the plugs in the pits the afternoon of April 24, and then attended to other matters. She related that the sewer line between the pits and the lagoon was clogged and since it could not flow through the line it went backward to the clean out pipe. Ms. Warren noted that the clean out pipe would not have been a problem if it had not been broken. She stated that workers noticed bubbling and thought it was a water issue and turned off the water to see if the problem would stop. She related that Myron Lawler then contacted DNR. Ms. Warren stated that the numerous samples taken are inconsistent and inconclusive, as their own samples dispute the samples of DNR. She stated that they dispute that the manure from this facility caused the substantial green creek that is pictured in the report. She related that the existence of a large bog in this area is not listed in the report and when it rains the bog increases substantially. She added that several hundred cattle openly graze in the bog area. Ms. Warren noted that the cleanup process was hampered by the rain and it cannot be deemed an intentional or willful act. She stated that this is not a matter for referral.

Rita Venner asked why the sewer line was clogged.

Ms. Warren stated that it happens routinely and expanded on same. Mr. Lawler noted that the lines are checked at least once a month and it is not common for them to clog, but it does happen.

Mr. Murphy stated that the some of the legal issues raised have been ruled on and the department's procedures were deemed appropriate. He added that staff feels the evidence was solid and the history of repeated violations warrants referral.

Gary Priebe stated that he knows they do not know the amount but inquired if they have been asked to settle before it is referred.

Mr. Murphy stated that staff does not normally do that unless everyone agrees on what the facts are and that it should be settled. He added that clearly they are disputing many of the facts in this case.



*Motion was made by Terrance Townsend for referral to the Attorney General's Office.. Seconded by Rita Venner. Motion carried unanimously.*

**REFERRED**

**Flannegan Conservation Service**

Mr. Murphy stated that this case involves a landfill in Palo Alto County that has been operating in violation of its permit and the owner has failed to submit information to obtain a new permit. He related that the last time their permit expired it took the department six years to get it worked out and staff do not want to wait that long this time. He outlined the deficiencies which have been repeatedly transmitted to them and noted that since staff informed them of the intent to refer and shut them down, they have been scurrying to get the information in to the department. Mr. Murphy stated that late last week staff received a large box of information with a letter indicating they have addressed all of the items of deficiency previously noted to them. He related that staff have not reviewed the material yet and do not know if it is complete. He added that whether or not it is complete, if staff feel they should be allowed to continue operation staff can make that decision, but it needs to be done under court order and there needs to be a penalty for what has occurred to date. He noted that if the information is inadequate staff would seek an injunction to terminate their operation.

**Appointment - Rick Hopper**

Rick Hopper, Licensed Engineer in Iowa, related that he has been doing all of the engineering at the landfill since 1976. He noted there has never been a discharge at the landfill or any problems with the testing in the monitoring wells or the surface monitoring points. He added there has never been a problem in pollution of any kind. Mr. Hopper stated that one matter that remains is a leachate treatment agreement and a sample has been submitted for that, and the city of Estherville will review the sample within 30 days. He indicated that the item concerning the removal of some trees at the landfill has been taken care of. Mr. Hopper noted that the required reports were submitted recently and the landfill has also retained the services of another engineering firm which specializes in landfill work, to help the landfill address the matters in a more timely matter.

Rozanne King asked Mr. Hopper if he was aware of the time lines.

Mr. Hopper replied that he was pretty well informed, adding that some of the required correspondence had already been submitted.

Brief discussion followed regarding why the reports were not submitted on time and that the whole thing went on much too long.

*Motion was made by Rita Venner for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.*

**REFERRED**

**PROPOSED CONTESTED CASE DECISION--DAVE AND KRISTI CASTENSON, ET. AL.**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On November 19, 1997, the department issued a variance to the City of Harcourt. That action approved a separation distance of less than 1,000' between two residences and a proposed new wastewater treatment lagoon system for the City. That action was appealed by persons opposed to the location of the proposed lagoon system, and the matter proceeded to administrative hearing on July 20-21 and August 20 and 28, 1998. The Administrative Law Judge issued the Proposed Decision on October 6, 1998. The decision affirms the granting of the variance.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy reported that the department has received an appeal in this case, so no action is needed today and it will come back before the Commission at a later date.

**NO ACTION TAKEN - RECEIVED APPEAL**

**REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)**

**James LaFollette and Kurt Douglas**

Mr. Murphy briefed the Commission on the history of this case involving improper disposal and burning of solid waste, as well as failure to pay the penalty.

*Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Kathryn Murphy. Motion carried unanimously.*

**REFERRED**

**Pewe Mercantile, Inc. and Dion Pewe**

Mr. Murphy briefed the Commission on the history of this case involving underground storage tank violations.

*Motion was made by Dean McWilliams for referral to the Attorney General's Office. Seconded by Terrance Townsend. Motion carried unanimously.*

REFERRED

**LEGISLATION PACKAGE - 1999**

Don Paulin, Deputy Director, introduced Kathleen Moench, Budget and Grants Bureau, and noted that she will handle the vast majority of the environmental legislation in 1999.

Kathleen Moench presented a brief overview on her past work with the department and related that last year she began working with the legislative items pertaining to the environment.

**Iowa Department of Natural Resources  
Legislative Proposals for 1999 Session of Iowa General Assembly**

**Environmental Issues & Rationale**

**1. TOLL-FREE POLLUTION HOTLINE**

Repeal 455B.116, the requirement for the Department to establish a Toll-Free Pollution Hotline ***As written, the Department could be responsible for managing and coordinating all types of response calls, even those not related to the Department responsibilities. This would require dedicated staff time to manage a number of this magnitude. The Department already has an Emergency Response number, 515-281-8694, for environmentally related spills and releases of hazardous materials, and many calls are made to, and handled by, local officials and department field offices.***

**2. PUBLIC WATER SYSTEM SOURCE TESTING**

Delete 455B.173.6(b), requiring the department to adopt rules requiring public water systems regulated under chapter 455B to test source waters for synthetic organic chemicals and pesticides every three years. ***This requirement is no longer necessary due to the adoption of the Federal Safe Drinking Water Act and corresponding state public drinking water supply regulations which require expanded monitoring including testing for most SOC's and pesticides used in Iowa. The state does not want to develop more stringent laws that would force an additional cost onto the water supplier - ie. yet another fee/tax - to do this and report information to the state.***

**3. WATER USE ALLOCATION AND FLOOD PLAIN/FLOODWAY PLANS**

Delete language from 455B.262.1 requiring the department to develop a 20 year plan, starting in 1985, reviewed every 5 years, to assess the water use needs of the state; and to develop a flood plain and floodway boundary plan for a 20 year period, starting in 1986. ***The department asked for funding during the mid 80's for this program, but funding was never received. Last year, the Iowa Environmental Council proposed a water action plan to provide more money for planning along these lines, but again funding was not appropriated. If we do not have and cannot get adequate funding to do this work then we should delete the requirement from statute.***

## 4. INFECTIOUS WASTE

A) INFECTIOUS WASTE MANAGEMENT PROGRAM: Delete language from 455B.501 requiring the department to institute and infectious waste management program with the Iowa Department of Public Health to promote public understanding of infectious waste disposal and require a report to the general assembly in January 1991 attempting to compile an inventory of volumes generated and the number of generators. ***The report was prepared by the Department, and the Department of Public Health has completed work on promotion of public understanding of infectious waste disposal.***

B) INFECTIOUS MEDICAL WASTE - REGENT INCINERATOR EMISSIONS: Repeal 455B.502, requiring regents universities which operate a infectious medical waste incinerator to monitor emissions and meet the department emission limitations. ***EPA has adopted federal standards covering Hospital/Medical/ Infectious Waste Incinerators and Municipal Waste Combustors. EPC adopted these HWIMI rules as final rules at their meeting October 19, 1998. Regents universities will now fall under these new rules.***

C) INFECTIOUS WASTE TREATMENT AND DISPOSAL FACILITY RULES: Delete language from 455B.503 requiring the department to submit proposed rules to the commission and adopt rules by January 15, 1994. ***Infectious waste treatment and disposal facilities currently are part of the existing waste permit process and fall under the newly adopted HWIMI rules adopted by EPC on 10/19/98.***

D) INFECTIOUS MEDICAL WASTE COLLECTION AND TRANSPORT PERMIT RULES: Repeal 455B.504 requiring the commission to adopt rules which govern infectious medical waste collection and transportation. ***Rules no longer necessary due to newly adopted HWIMI rules adopted by EPC on 10/19/98. Waste collection and transport can be covered under existing solid waste regulations.***

## 5) PESTICIDE AND FERTILIZER CONTAMINATED SITES

Repeal 455B.601, the requirement for the Commission to adopt rules establishing criteria for classification and prioritization of pesticide and fertilizer contaminated sites. ***No resources have ever been appropriated to do this and with the passage of SF528 (brownfield's legislation), these sites could fall under the Voluntary Cleanup program.***

## 6) BALED SOLID WASTE

Delete language from 455D.9A requiring the department to develop rules defining baled solid waste and identifying proper methods of disposal. ***The law - 455D.9A - already prohibits disposal of baled solid waste at a landfill. "Beginning January 1, 1992, a person shall not dispose of baled solid waste at a sanitary landfill and a sanitary landfill shall not accept baled solid waste for final disposal. Solid waste which is baled on-site may be disposed of at the sanitary landfill." There is nothing to do rulemaking on.***

Kathleen Moench discussed the above listed issues and rationale and expanded on each of the issues.

Director Wilson asked the Commissioners to let him know if they have any ideas or concerns regarding legislative proposals.

Discussion took place regarding money for water quality monitoring and conveying a message to the legislature to expect a request for that in the next session.

Charlotte Mohr stated that the department needs to look at the Bottle Bill to possibly include more money going to the handlers. She related that the bill has been in effect for twenty years and the fee to the handlers has never changed. Additionally, she strongly urged including juice cans and similar types of containers in the bill.

Gary Priebe agreed with Commissioner Mohr, adding that people will stop to pick up a pop can and if there is a juice can or plastic water bottle right beside it they will leave it.

Don Paulin stated that if interested in Commissioner Mohr's comment to expand it to juice and other containers the bill that was proposed several years ago could be updated. He noted it would have to be drafted now to meet the deadline. Mr. Paulin related that introducing a bill then becomes a vehicle to strike the whole thing. He added that as far as the increase for the handlers there is only that nickel to work with as none of the money comes to the state, so if you increase the fee to the handlers you take it away from somebody else, i.e. bottlers, grocers, etc.

Discussion followed and it was decided not to introduce a new bill but the Commission should go on record by sending a message that the EPC supports continuation of the Bottle Bill.

<b>INFORMATIONAL ONLY</b>
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## **GENERAL DISCUSSION**

Rozanne King asked if Darrell McAllister could give a response to the presentation by the Iowa Water Pollution Control Association.

Mr. McAllister stated that staff know what the problems are in going from a water quality standard to a permit limit and they may be a little more stringent, but there is also the issue of how much monitoring is required at wastewater treatment plants and what that means as it comes into play. He noted that ammonia is a major issue and Dyersville was one area mentioned. They also have problems meeting other permit limits and need to make improvements. In some cases ammonia requirements are driving improvements to treatment plants. He related that in some cases other pollutants are driving those improvements, and if ammonia is not involved those costs could be lower. Mr. McAllister stated that staff are looking at the Ammonia Water Quality Criteria document put out by EPA and he expanded on that issue. He stated that staff could provide the Commission more information next month on where the department would like to go in the direction of reviewing water quality standards. He related that a review of water quality standards needs to be done but it puts into motion a whole series of actions to modify permits.

Charlotte Mohr commented that with some changes in state government new appointments will be made and she feels Director Wilson has done an excellent job as Director. She added that she feels it is important that the Commission send a message they would like to see Larry Wilson stay in as Director of the DNR. She added that the staff have also done an excellent job. She

related the Director and staff have taken the workings of the department out to the people and real progress has been made in the last five years.

Chairman Ehm commented that the department has become incredibly more user-friendly in the ten years he has served on the Commission. He added that he would offer a Resolution to support Larry Wilson to the newly elected leadership.

*Motion was made by Charlotte Mohr to support a Resolution from the Commission with a vote of confidence on behalf of Director Wilson and his staff. Seconded by Kathryn Murphy. Unanimous consent was given.*

### NEXT MEETING DATES

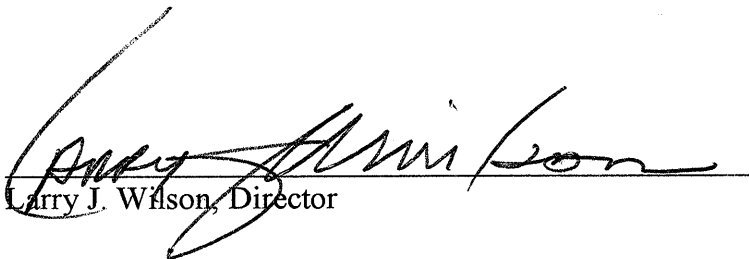
December 21, 1998

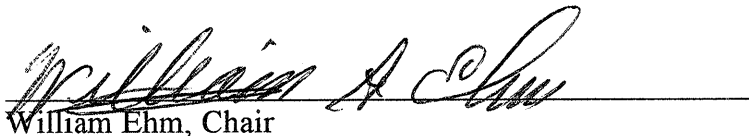
January 19, 1999 (Tuesday)

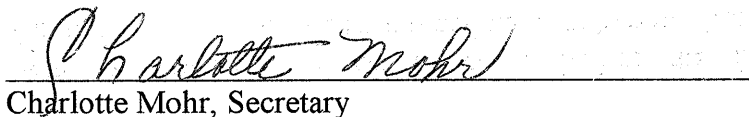
February 15, 1999

### ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 4:00 p.m., Monday, November 16, 1998.

  
Larry J. Wilson, Director

  
William Ehm, Chair

  
Charlotte Mohr, Secretary

DEPARTMENT  
OF  
NATURAL RESOURCES  
98 DEC 28 PM 2:01

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